



GARY R. HERBERT
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Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Oil, Gas and Mining

JOHN R. BAZA
Division Director

April 14, 2011

CERTIFIED RETURN RECEIPT

7009 3410 0001 4203 1751

Bryce Haas
91 South 100 East
Mayfield UT 84643

Subject: Proposed Assessment for State Cessation Order No. MC-2010-61-01, Bryce Haas, B & H Quarry, S/039/0020, Sanpete County, Utah

Response Due By: 30 Days of Receipt

Dear Mr. Haas:

The undersigned has been appointed by the Division of Oil, Gas & Mining as the assessment officer for assessing penalties under R647-7.

Enclosed is the proposed civil penalty assessment for the above referenced cessation order. The cessation order was issued by Division inspector, John Rogers, on May 3, 2010. Rule R647-7-103 et. seq. has been utilized to determine the proposed penalty of \$3,740.00. The enclosed worksheet outlines how the civil penalty was assessed.

By these rules, any written information which was submitted by you or your agent within fifteen (15) days of receipt of this Cessation Order has been considered in determining the facts surrounding the violation and the amount of this penalty.

Under R647-7-106, there are two informal appeal options available to you. You may appeal the 'fact of the violation', the proposed civil penalty, or both. If you wish to informally appeal you should file a written request for an informal conference within thirty 30 days of receipt of this letter.

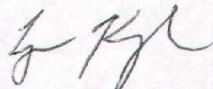
The informal conference will be conducted by a Division-appointed conference officer. The informal conference for the fact of the violation is distinct from the informal assessment conference regarding the proposed penalty. If you wish to review both the fact of the violation and proposed penalty assessment, you should file a written request for an assessment conference within thirty (30) days of receipt of this letter. In this case, the assessment conference will be scheduled immediately following the review of the fact of the violation.



Page 2 of 4
Bryce Hass
S/039/0020
April 18, 2011

If a timely request for review is not made, the fact of the violation will stand, the proposed penalty will become final, and will be due and payable within thirty (30) days of the date of this proposed assessment (by May 16, 2011). Please remit payment to the Division, mail c/o Vicki Bailey.

Sincerely,



Lynn Kunzler
Assessment Officer

LK:eb

Enclosure: Proposed assessment worksheet

cc: Vicki Bailey, Accounting

Vickie Southwick, Exec. Sec.

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WORKSHEET FOR ASSESSMENT OF PENALTIES
DIVISION OF OIL, GAS & MINING
Minerals Regulatory Program

COMPANY / MINE Bryce Haas PERMIT S/039/0020

NOV / CO # MC-2010-61-01

ASSESSMENT OFFICER Lynn Kunzler

ASSESSMENT DATE April 12, 2011

I. HISTORY (Max. 25 pts.) (R647-7-103.2.11)

- A. Are there previous violations, which are not pending or vacated, which fall three (3) years of today's date?

PREVIOUS VIOLATIONS	EFFECTIVE DATE	POINTS (1pt for NOV 5pts for CO)
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None

TOTAL HISTORY POINTS 0

II. SERIOUSNESS (Max 45pts) (R647-7-103.2.12)

NOTE: For assignment of points in Parts II and III, the following apply:

1. Based on facts supplied by the inspector, the Assessment Officer will determine within each category where the violation falls.
2. Beginning at the mid-point of the category, the Assessment Officer will adjust the points up or down, utilizing the inspector's and operator's statements as guiding documents.

Is this an EVENT (A) or Administrative (B) violation? Event

(assign points according to A or B)

A. EVENT VIOLATION (Max 45 pts.)

1. What is the event which the violated standard was designed to prevent?
Conducting mining operations without a permit. Damage to property. Damage to the environment.
2. What is the probability of the occurrence of the event which a violated standard was designed to prevent?

None	0 points
Unlikely	1-9 points
Likely	10-19 points
Occurred	20 points

ASSIGN PROBABILITY OF OCCURRENCE POINTS 20

PROVIDE AN EXPLANATION OF POINTS:

*** *The operator has been conducting mining operations without an approved NOI or having a surety in place. By rule, mining without the appropriate approvals, includes damage to property and the environment.*

3. What is the extent of actual or potential damage? RANGE 0-25
In assigning points, consider the duration and extent of said damage or impact, in terms of area and impact on the public or environment.

ASSIGN DAMAGE POINTS 19

PROVIDE AN EXPLANATION OF POINTS:

*** Approximately 7.5 acres have been affected by this operation. The operator has been operating a mining operation for about 2.5 years after the Division had notified him in writing that there was to be no additional mining operations until the site was properly permitted and bonded. Points were therefore assigned at the mid-point of the upper ½ of the range.

- B. ADMINISTRATIVE VIOLATIONS (Max 25pts)
Does not apply to this violation

TOTAL SERIOUSNESS POINTS 39

III. DEGREE OF FAULT (Max 30 pts.) (R647-7-103.2.13)

- A. Was this an inadvertent violation which was unavoidable by the exercise of reasonable care? IF SO--NO NEGLIGENCE; or, was this a failure of a permittee to prevent the occurrence of a violation due to indifference lack of diligence, or lack of reasonable care, the failure to abate any violation due to the same or was economic gain realized by the permittee? IF SO--GREATER DEGREE OF FAULT THAN NEGLIGENCE.

No Negligence	0
Negligence	1-15
Greater Degree of Fault	16-30

STATE DEGREE OF NEGLIGENCE Negligence

ASSIGN NEGLIGENCE POINTS 15

PROVIDE AN EXPLANATION OF POINTS:

*** The operator had received both written and verbal warnings regarding the need to have this site permitted and bonded in order to conduct operations. The operator also had 2 other quarries permitted with the Division. Conducting or continuing operations at this site demonstrates a high degree of negligence. Points were therefore assigned at the top of the negligence range.

- IV. GOOD FAITH (Max 20 pts.) (R467-7-103.2.14)
This violation has yet to be abated. The site is still not fully permitted or bonded. Therefore, good faith points cannot be awarded at this time.

V. ASSESSMENT SUMMARY (R647-7-103.3)

NOTICE OF VIOLATION #	
I. TOTAL HISTORY POINTS	<u>0</u>
II. TOTAL SERIOUSNESS POINTS	<u>39</u>
III. TOTAL NEGLIGENCE POINTS	<u>15</u>
IV. TOTAL GOOD FAITH POINTS	<u>0</u>
TOTAL ASSESSED POINTS	<u>54</u>
 TOTAL ASSESSED FINE	 <u>\$3,740</u>